

REMARKS / ARGUMENTS

Claims 1-27 are pending, of which Claims 1 and 27 are being currently amended. Applicant has carefully considered the application in view of the Examiner's action and, in light of the foregoing amendments and the following remarks, respectfully requests reconsideration and full allowance of all pending claims.

Claims 1-7 and 9-27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Microsoft FrontPage 2000, Screen Shots, 12/31/99, pp. 1-20 (hereinafter "*FrontPage*") in further view of U.S. Patent No. 6,538,673 to Maslov (hereinafter "*Maslov*"). Claim 8 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over *FrontPage* in view of *Maslov* and in further view of U.S. Patent No. 5,574,898 to Leblang et al. (hereinafter "*Leblang*"). In response, Applicant has amended independent Claim 1 such that it now more clearly distinguishes, and is patentable over the cited references.

Specifically, and in addition to the Remarks and Arguments set forth in the response of March 20, 2008, independent Claim 1 has been amended to more particularly point out and distinctly claim one of the distinguishing characteristics of the present invention, namely, that the markup language file includes arbitrarily named tags. It is considered that, upon a reading of the specification of the present patent application, particularly paragraphs relating to XML, such as paragraphs [0040] - [0047], [0105], and [0117], in light of well-known prior art, such as that described in a book entitled "*The XML Handbook*" Second Edition, by Charles F. Goldfarb, 2000 (see attached Appendix, particularly the paragraph starting "The World Wide Web's HTML and XML ..."), that it would be apparent to a person having ordinary skill in the art that the invention pertains to markup language files, such as XML, which use arbitrarily named tags. Therefore, the amendment to use arbitrarily named tags adds no new matter to the application.

This distinguishing characteristic provides Applicant's invention with numerous advantages not seen in the cited references. For example, it provides a user with enhanced ability to parse and create folder and subfolders for any type of mark-up language document.

In contrast to Applicant's invention, *FrontPage* fails to teach markup language files, such as XML, which use arbitrarily named tags. If *Maslov* were combined with *FrontPage*, then *Maslov* would then be limited to markup language files, such as HTML, which do not use

arbitrarily named tags. Therefore, it would not only be improper to combine *Maslov* with *FrontPage* to teach the present invention, but even if, for the sake of argument, *Maslov* were combined with *FrontPage*, the combination could not teach markup language files, such as XML, which use arbitrarily named tags, as recited by Applicant in independent Claim 1, as now amended.

If, for the sake of argument, *Maslov* were somehow combined with *FrontPage* to teach markup language files, such as XML, which use arbitrarily named tags, then further to the example provided by Applicant in the March 20, 2008, Amendment, with regard to an “EXAMINER BASEHOAR” tag name within a markup language, the Examiner has noted that the random tag naming fashion to which the applicant is arguing is not described in Claim 1. In response, Applicant wishes to clarify that “random” should more properly be “arbitrary”, and has amended Claim 1 such that it now recites that the first markup language file includes arbitrarily named tags, as discussed above. Because arbitrarily named tags exclude HTML, Claim 27 has been amended accordingly to delete the reference to HTML.

The Examiner also points out that Claim 1 does not require that all tags or every/any tag names be created into folders or subfolders, and that Claim 1 only states that a portion, which could include only a single tag, of a markup language file be parsed and stored in folder/subfolder manner. In response, Applicant would point out that the last step in Claim 1 recites each portion, not a portion, and a person skilled in the art would understand “each portion” to necessarily imply “each tag” or “all tags” or “every/any tag”. Furthermore, Claim 1 recites that each of the folders and subfolders depend (*i.e.*, derive their name) from the tag names in the markup language file. It is therefore respectfully submitted that, in sharp contrast to *Maslov*, Claim 1 does indeed require that all tag names be created into folders or subfolders.

In view of the foregoing, it is apparent that none of the cited references, either singularly or in any combination, teach, suggest, or render obvious the unique combination now recited in independent Claim 1, namely, that the markup language file includes arbitrarily named tags. It is therefore respectfully submitted that Claim 1 clearly and precisely distinguishes over the cited combinations of references in a patentable sense, and is therefore allowable over those references and the remaining references of record. Accordingly, it is respectfully requested that the

rejection of Claim 1 under 35 U.S.C. § 103(a) as being unpatentable over *FrontPage* in view of *Maslov* be withdrawn.

Claim 27 has been amended to be consistent with Claim 1 from which it depends, without adding any new matter to the application.

Claims 2-27 depend from and further limit independent Claim 1, in a patentable sense, and, for this reason and the reasons set forth above, are also deemed to be in condition for allowance. Accordingly, it is respectfully requested that the rejections of dependent Claims 2-27 be withdrawn, as well.

Applicant hereby requests, under the provisions of 37 CFR 1.136(a), a three-month extension of time in the period for filing a reply in the above-identified application to an Office Action, having a mailing date of July 24, 2008. A Request for Continued Examination (RCE), under the provisions of 37 CFR 1.114, is also being filed with this paper. Payment of the small entity fees required under 37 CFR 1.17(a) and (e) are being made with the filing of this paper. Applicant does not believe any other fees are due in connection with the filing of this paper; however, in the event that such payment is absent, insufficient, or unacceptable, or any other fees are required, the Commissioner is hereby authorized to charge any required fees due (other than issue fees), and to credit any overpayment made, in connection with the filing of this paper, to Deposit Account No. 50-2032 of Scheef & Stone, L.L.P.

Applicant has now made an earnest attempt to place this application in condition for allowance, or in better condition for appeal. Therefore, Applicant respectfully requests, for the reasons set forth herein and for other reasons clearly apparent, full allowance of Claims 1-27 so that the application may be passed to issue.

Should the Examiner have any questions or desire clarification of any sort, or deem that any further amendment is desirable to place this application in condition for allowance, the Examiner is invited to telephone the undersigned at the number listed below.

Respectfully submitted,

SCHEEF & STONE, L.L.P.

/Jack D. Stone, Jr./

Jack D. Stone, Jr.
Reg. No. 38,324

500 N. Akard Street, Suite 2700
Dallas, Texas 75201
Telephone: (214) 706-4207
Fax: (214) 706-4242
jack.stone@scheefandstone.com